

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

JUSTIN RIVERA,

Defendant.

19-CR-131 (PAE)

ORDER

WHEREAS, the Court and the parties seek to ensure that Justin Rivera has meaningful access to review discovery and other case materials while detained at the Metropolitan Correctional Center (“MCC”); and

WHEREAS, the Court seeks to ensure that such discovery access does not jeopardize the security and operational interests of the MCC;

IT IS HEREBY ORDERED that

1. Mr. Rivera may have access to an “air-gapped” laptop computer (the “Laptop”) that is disabled from accessing the internet, local area networks, or other electronic devices;
2. Upon receipt of an acceptable laptop computer from counsel for Justin Rivera, the Government shall (a) ensure that the laptop is appropriately “air gapped” and compatible with the MCC’s security requirements; and (b) deliver the laptop to the proper authorities at the MCC within 72 hours of completing the task described in 2(a);
3. The Laptop shall be password-protected and maintained in a location acceptable to Bureau of Prisons personnel;
4. Bureau of Prisons personnel will provide Mr. Rivera with access to the Laptop on a daily basis for at least three-hours per day;
5. This Order remains in effect until the trial in this matter is completed and a copy of this Order shall be made available to any unit where Mr. Rivera is housed,


whether in the Special Housing Unit (“SHU”) or otherwise;

6. Mr. Rivera shall execute an agreement setting forth his understanding that he may use the Laptop for the sole purpose of reviewing discovery and legal materials that relate to his criminal case, that he shall not share the Laptop or the materials loaded onto the Laptop with other inmates or with any attorney not appointed to this case without an order of this Court, that he will not access or attempt to access the internet or any form of wireless communication, and that he will forfeit his right under this Order to use the Laptop, and that he may expose himself to criminal prosecution for possessing or distributing a “prohibited object” as that term is defined in 18 U.S.C. § 1791(d) in the future, should he violate any of these understandings.
7. Within forty-eight hours of Mr. Rivera’s execution of the agreement and the MCC's receipt of the Laptop from the Government, whichever is later, Mr. Rivera shall receive access to the Laptop subject to the following conditions:
 - a. Mr. Rivera shall receive the Laptop daily, from a counsellor or other officer on his unit;
 - b. Mr. Rivera shall have access to the Laptop for a period of at least three hours per day;
 - c. Mr. Rivera should be allowed to maintain possession of his hard drives and CDs, which are needed to access some previously produced discovery; and

- d. Mr. Rivera shall not have possession of any charging apparatus or cord
that connects to the laptop.

Dated: New York, New York
November 30, 2020

SO ORDERED


The Honorable Paul A. Engelmayer
United States District Court
Southern District of New York